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Docket No.: 324-189

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Frederic FELTEN

U.S. Patent Application No. 10/599,294

Filed: September 25, 2006

: Confirmation No. 6602

: Group Art Unit: 2462

: Examiner: Steven A. Wood, Jr.

For: COMMUNICATION STATE PUBLISHING GATEWAY

**PETITION UNDER 37 CFR 1.183 -  
TO SUSPEND OR WAIVE REQUIREMENT FOR INVENTOR SIGNING OF  
SUPPLEMENTAL DECLARATION WHEN THE INVENTOR IS UNAVAILABLE**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.183, the undersigned, on behalf of Franco Telecom (hereinafter "Applicant"), petitions to have the requirement for the inventor, Frederic Felten, to sign the supplemental declaration suspended or waived and allow the assignee having sufficient proprietary interest to sign on behalf of the nonsigning inventor. The inventor has not been reached to sign the supplemental declaration despite multiple efforts to contact the inventor.

This petition is accompanied by:

- (a) Declaration in compliance with 37 C.F.R. 1.63. See, Exhibit A.
- (b) Statement of relationship of Applicant to the inventor as required by 37 C.F.R. 1.64: Applicant is the Assignee of the invention described and claimed in the above captioned application by virtue of an assignment from Inventor to Assignee. (Also see, Exhibit D.)

CERTIFICATION OF FACSIMILE TRANSMITTAL  
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE  
U.S. PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW

06/06/2011 VBUI11 00000015 10599294

01 FC:1464

130.00 00

Christina Frye  
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

SIGNATURE

June 6, 2011  
DATE

(571) 273-8300

FACSIMILE NUMBER

Application No.: 10/599,294Docket No.: 324-189

- (c) Proof that the Inventor, Frederic FELTEN, has not been reached to sign the application Declaration despite multiple efforts to contact the Inventor: Declarations of Nicole Olympie, paralegal and Danielle Picque, paralegal of Orange Labs, of France Telecom (See, Exhibits B and C), concluding that Inventor has not been reached to sign the application declaration, despite efforts to contact them, and at no time did the Inventor deny inventorship.
- (d) Last known address of the Inventors:

NAME OF INVENTOR:	
Given Name: Frederic	Family Name or Surname: Felten
Residence: Tonquedec, France	Country: FR      Citizenship: FR
Mailing address: rue Rubudas 22140 Tonquedec, France	

- (c) Proof that Applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.
- Assignment from Inventor to Applicant, which was executed on October 6, 2006 and recorded in the USPTO on October 24, 2006. See, Exhibit D.
- (f) Statement that the filing of the application is necessary to preserve the rights of the parties or to prevent irreparable damage: the undersigned hereby states that the filing of the application is necessary to preserve the rights of Applicant or to prevent irreparable damage.
- (g) Petition Fee.
- (h) Submission under 37 C.F.R. 3.73 to establish Applicant's right to take action in the

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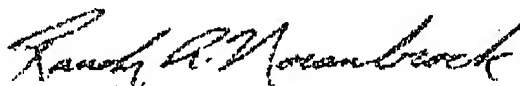
instant application as Assignee: Each Inventor assigned the rights to the intellectual property to Applicant. A copy of the Assignment is attached as Exhibit D.

Any questions can be directed to Applicant's attorney of record.

To the extent necessary, a petition for extension of time is hereby requested. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Randy Naranbrock  
Registration No. 42940

1700 Diagonal Road, Suite 300  
Alexandria, VA 22314  
(703) 684-1111 RAN/bk/bjs/cjl  
(703) 518-5499 facsimile  
**Date: June 6, 2011**

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EXHIBIT A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Frederic FELTEN : Confirmation No. 6602  
U.S. Patent Application No. 10/599,294 : Group Art Unit: 2462  
Filed: September 25, 2006 : Examiner: Steven A. Wood, Jr.  
For: COMMUNICATION STATE PUBLISHING GATEWAY

*DECLARATION FOR UTILITY PATENT APPLICATION (37 CFR 1.63)*

Honorable Commissioner for Patents  
Mail Stop PCT, P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Viviane SIMON, Patent Engineer of France Telecom (hereinafter "Assignee"), assignee of the intellectual property the subject of this declaration, hereby declare that:

As Patent Engineer for Assignee, I am authorized to act on behalf of Assignee;

The inventor's residence, mailing address, and citizenship is as stated below, next to his name;

I believe the inventor named below to be the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention titled COMMUNICATION STATE PUBLISHING GATEWAY;

The referenced application was filed on September 25, 2006, as United States Application Number 10/599,294;

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims;

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56;

//

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**AUTHORIZATION TO PERMIT ACCESS TO APPLICATION  
BY PARTICIPATING OFFICES**

I hereby grant the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h).

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.149(c), access may be provided to information concerning the date of filing the Authorization to permit Access to Application by Participating Offices.

**CLAIM OF FOREIGN PRIORITY BENEFITS**

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent, inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed, namely:

Prior Foreign Application Number 0403059,  
filed in France,  
bearing a filing date of March 25, 2004.

Corresponding International Application No. PCT/FR05/050186  
Bearing a filing date of March 25, 2004.

NAME OF INVENTOR:	
Given Name: Frederic	Family Name or Surname: Felten
Residence: Tonquedec, France	Country: FR      Citizenship: FR
Mailing address: rue Rubudas 22140 Tonquedec, France	

Inventor Frederic Felten was sent a letter on June 18, 2010 to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294. Based on the most current contact information in the possession of Assignee, a letter was sent to Inventor Frederic Felten's last known address, rue Rubudas, 22140 Tonquedec, France asking him to review the enclosed Supplemental Declaration and Power of Attorney and to return the executed documents. See Declaration of Picque, Exhibit A.

Inventor Frederic Felten was again contacted on July 7, 2010 by letter to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294. Based on the most current contact information in the possession of Assignee, a letter was sent to Inventor Frederic Felten's last known address, rue Rubudas, 22140 Tonquedec, France asking him to review the enclosed Supplemental Declaration and Power of Attorney and to return the executed documents to my attention. See Declaration of Olympie, Exhibit B.

On July 26, 2010, an attempt was made to contact Inventor Frederic Felten via telephone to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294.

On July 26, 2010, the telephone number of Mr. Frederic Felten was located, which is believed to be 02 96 35 98 83 based on a telephone listing in [www.pagesjaunes.fr](http://www.pagesjaunes.fr). See Declaration of Olympie, Exhibit B.

On July 26, 2010, a telephone call was placed to Mr. Frederic Felten and a message was left asking Inventor Frederic Felten to return the phone call. I am informed the outgoing message identified the inventor by name.

I am informed that Mr. Felten did not return the phone call on July 26, 2010.

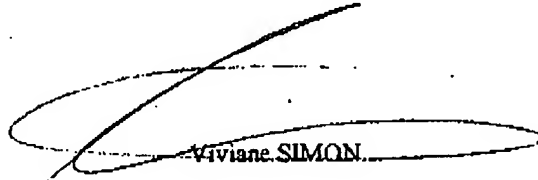
Another attempt was made to contact Inventor Frederic Felten on July 27, 2010. On July 27, 2010, a telephone call was placed to Mr. Frederic Felten and a message left for him asking him to return the phone call. I am informed and do believe this to be the telephone number of inventor, as the outgoing message identified the inventor by name.

I am informed that Mr. Felten did not return the phone call on July 27, 2010 or since that day.

As of this date, Inventor Frederic Felten has not been contacted despite best efforts to contact the Inventor. As of the date of this declaration, Assignee has yet to receive a response from Inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 29th, 2010



Viviane SIMON

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EXHIBIT B

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In re Application of :  
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Filed: September 25, 2006 : Examiner: Steven A. Wood, Jr.  
For: COMMUNICATION STATE PUBLISHING GATEWAY

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(b)

Honorable Commissioner for Patents  
Mail Stop PCT, P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Nicole Olympic, paralegal of Orange Labs, of France Telecom (hereinafter "Assignee"), assignee of the intellectual property the subject of this declaration, hereby declare that:

1. I attempted to contact Inventor Frederic Felten on July 7, 2010 by letter to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294. Based on the most current contact information in the possession of Assignee, I sent a letter to Inventor Frederic Felten to his last known address, rue Rubudas, 22140 Tonquedec, France asking him to review the enclosed Supplemental Declaration and Power of Attorney and to return the executed documents to my attention. See Attachment 1 for a copy of the letter sent to Mr. Felten.
2. On July 26, 2010, I attempted to contact via telephone Inventor Frederic Felten to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294.
3. On July 26, 2010, I located the telephone number of Mr. Frederic Felten, which I believe to be 02 96 35 98 83 based on a telephone listing in [www.pagesjaunes.fr](http://www.pagesjaunes.fr). See Attachment 2 for telephone listing for Mr. Frederic Felten.
4. On July 26, 2010, I placed a telephone call to Mr. Frederic Felten and left a message for him asking him to return my phone call. I am informed and do



believe this to be the telephone number of inventor, as the outgoing message identifies the inventor by name.

5. I did not receive a return phone call from Mr. Felten on July 26, 2010.
6. An attempt was made to contact Inventor Frederic Felten on July 27, 2010. On July 27, 2010, I placed a telephone call to Mr. Frederic Felten and left a message for him asking him to return my phone call. I am informed and do believe this to be the telephone number of inventor, as the outgoing message identifies the inventor by name.
7. I did not receive a return phone call from Mr. Felten on July 27, 2010 or since that day.
8. As of this date, I have been unable to contact Inventor Frederic Felten despite my efforts to contact the Inventor. As of the date of this declaration, I have yet to receive any response from the Inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 29th, 2010



Nicole Olympie

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EXHIBIT C

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U.S. Patent Application No. 10/599,294 : Group Art Unit: 2462  
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For: COMMUNICATION STATE PUBLISHING GATEWAY

*DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(b)*

Honorable Commissioner for Patents  
Mail Stop PCT, P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Danielle Picque, paralegal of Orange Labs of France Telecom (hereinafter "Assignee"), assignee of the intellectual property the subject of this declaration, hereby declare that:

1. I attempted to contact Inventor Frederic Felten on June 18, 2010 by letter to arrange his review and signature on the instant declaration, attesting that he is the inventor of United States Application Number 10/599,294. Based on the most current contact information in the possession of Assignee, I sent a letter to Inventor Frederic Felten to his last known address, rue Rubudas, 22140 Tonquedee, France asking him to review the enclosed Supplemental Declaration and Power of Attorney and to return the executed documents to my attention. See Attachment 1 for a copy of the letter sent to Mr. Felten.
2. As of this date, I have been unable to contact Inventor Frederic Felten despite my efforts to contact the Inventor. As of the date of this declaration, I have yet to receive any response from the Inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that

such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 29th, 2010

  
Danielle Picque



## EXHIBIT D

## A S S I G N M E N T

WHEREAS, I, Frédéric FELTEN, citizen of the French Republic, residing at : rue Rubudas, 22140 TONQUEDEC, FRANCE - have invented new and useful improvements in :

## COMMUNICATION STATE PUBLISHING GATEWAY

for which an application for United States Letters Patent was filed on 22 March 2005 and identified by United States Serial No. 10/599294

WHEREAS, FRANCE TELECOM, a body corporate organized and existing under the laws of the Republic of France and having a place of business at 6 place d'Alleray, 75015 PARIS, FRANCE, is desirous of obtaining the entire right, title and interest to, and under the said improvements and the said Application.

NOW, THEREFORE, in consideration of the sum of one dollar (\$ 1.00) to me in hand paid, the receipt of which is hereby acknowledged, I, the said Frédéric FELTEN has sold, assigned, transferred and set over to FRANCE TELECOM and do hereby sell, assign, transfer and set over to its successors, legal representatives and assign, the entire right, title and interest to and under the said improvements, and the said Application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and I authorize and request the Commissioner of Patents of the United States to issue all Letters Patent for said improvements to FRANCE TELECOM, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and I have not executed and will not execute any agreement in conflict therewith.

AND I HEREBY further covenant and agree that I shall communicate to the said FRANCE TELECOM, its successors, legal representatives and assigns, any fact known to me respecting all lawful papers, execute all divisional, continue and reissue applications, make all rightful oaths, and generally do everything possible to aid the said body corporate, its successors, legal representatives and assigns, to obtain and enforce proper protection for said improvements in the United States.

IN TESTIMONY WHEREOF, I hereunto set our hand and seal this 6th day of October 2006



Witness  
Roland LAPOUX  
MARTINET & LAPOUX  
B.P 405  
78055 ST QUENTIN EN YVELINES  
CEDEX  
FRANCE



Inventor  
Frédéric FELTEN